

Message Text

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TAGS: CI, PINS

SUBJ: MILITARY TRIALS DEVELOPMENTS

REF: SANTIAGO 1599 NOTAL

1. SUMMARY. MILITARY TRIAL OF ABOUT 70 MIRISTAS IN TEMUCO IN MARCH NULLIFIED BY ZONE COMMANDER FOR "ERRORS IN PROCESS." RETRIAL TO START JULY 30. MILITARY TRIAL OF 17 APPARENTLY UNDERWAY IN VALDIVIA, WHILE SENTENCES OF TALCAHUANO TRIBUNAL IN MAY CONFIRMED BY ZONE COMMANDER. SPANISH CABLE AGENCY EFE SAYS CLODOMIRO ALMEYDA TO BE TRIED BY AIR FORCE. END SUMMARY.

2. AT END OF MARCH MILITARY TRIBUNAL SITTING IN TEMUCO TRIED ABOUT 70 ALLEGED MEMBERS OF MOVEMENT OF REVOLUTIONARY LEFT (MIR). (REFTEL). IN COMPARISON TO SOME TRIALS EARLIER IN MILITARY REGIME RESULTING SENTENCES WERE RELATIVELY LIGHT, SOME DEFENDANTS WERE ACQUITTED, SESSIONS WERE OPEN TO FAMILIES AND PRESS. HOWEVER, TRIAL BROUGHT CONSIDERABLE CRITICISM FOR APPARENT LACK EFFECTIVE OPPORTUNITY FOR DEFENSE AND MASS-PRODUCTION NATURE. ONE JUNE 22 PRESS CARRIED SHORT NOTICE THAT LOCAL ZONE COMMANDER, GEN FERNANDO GONZALEZ MARTINEZ, HAS "NULLIFIED" TRIAL AND CONVOKED

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NEW CONSEJO DE GUERRA FOR JULY 30 TO REHEAR CASES. ONLY EXPLANATION GIVEN REFERS TO ERRORS IN PROCESS (VICIOS EN LA FORMA).

3. ALSO ON JUNE 22 ZONE COMMANDER IN CONCEPCION APPROVED SENTENCES OF TALCAHUANO MILITARY TRIBUNAL WHICH JUDGED 28 CASES ON MAY 27. SENTENCES RANGED FROM 3 TO 20 YEARS AND WERE APPARENTLY UNCHANGED FROM THOSE DICTATED BY COURT.

4. ESTABLISHMENT OF NEW MILITARY TRIBUNAL TO HEAR 17 CASES IN VALDIVIA WAS ANNOUNCED JUNE 21, BUT NO DATE FOR TRIAL GIVEN.

5. LEADING CIRCULATION DAILY LA TERCERA JUNE 22 CARRIED STORY SAYING EX-FONMIN IN ALLENDE REGIME CLODOMIRO ALMEYDA WILL BE TRIED BY NEW AIR FORCE (FACH) TRIBUNAL FOR EFFORTS SPLIT ARMED FORCES UNITY, BUT ARTICLE APPARENTLY BASED SOLELY ON SPANISH NEWS AGENCY (EFE) STORY. REPORTS THAT ALMEYDA MAY BE TRIED BY FACH HAVE CIRCULATED FOR SOME TIME, AND HE WAS MENTIONED NUMBER OF TIMES IN RECENTLY CONCLUDED FACH TRIAL AT AIR FORCE WAR ACADEMY. STORY CONTAINS NOTHING NEW.

6. COMMENT. NULLIFICATION OF TEMUCO MIR TRIAL IS FIRST KNOWN INSTANCE SINCE COUP. PROMINANT LAWYER DEFENDING FORMER UP LEADERS INFORMS EMBASSY THAT SUCH NULLIFICATION COULD EASILY BE BASED IN CHILEAN PRACTICE ON RELATIVELY SIMPLE ADMINISTRATIVE OR PROCEDURAL ERROR IN CONSTITUTION OF PANEL OF JUDGES OR IN NOTIFICATIONS GIVEN DEFENSE. HOWEVER, GOC COULD WELL HAVE REALIZED THAT TRIAL LEFT POOR IMAGE ESPECIALLY IN COMPARISON BETTER PROCEDURES OF LATER FACH TRIAL AND DECIDED DEMONSTRATE CONCERN FOR LEGALITY BY ADMITTING ERROR AND RETRYING DEFENDANTS.

7. WE ARE TRYING ESTABLISH WHERE TERCERA AND EFE GOT ALMEYDA STORY AND WHETHER IT IS SIGNIFICANT.
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